

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TRACY LOREN MONTGOMERY,

CASE NO. C24-1998 BHS

Plaintiff,

ORDER

V.

JACK WARNER,

Defendant.

13 THIS MATTER is before the Court on Magistrate Judge Grady J. Leupold's
14 Report and Recommendation (R&R), recommending the Court dismiss pro se plaintiff
15 Tracy Loren Montgomery's complaint for failure to state a plausible claim and failure to
16 cure his pleading deficiencies, and close the case. Dkt. 23.

17 A district court “shall make a de novo determination of those portions of the report
18 or specified proposed finding or recommendations to which objection is made.” 28
19 U.S.C. § 636(b)(1)(C) (emphasis added); *see also* Fed. R. Civ. P. 72(b)(3). It must
20 modify or set aside any portion of the order that is clearly erroneous or contrary to law.
21 Fed. R. Civ. P. 72(a). The district judge may accept, reject, or modify the recommended

1 disposition; receive further evidence; or return the matter to the magistrate judge with
2 instructions. Fed. R. Civ. P. 72(b)(3).

3 The Court must “review the Magistrate Judge’s findings and recommendations de
4 novo *if objection is made*, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d
5 1114, 1121 (9th Cir. 2003) (citing § 636(b)(1)(C)). A proper objection requires “specific
6 written objections to the proposed findings and recommendations.” Fed. R. Civ. P.
7 72(b)(2).

8 Montgomery has not objected to the R&R, though he did file a 43 page
9 “miscellaneous document” that does not address the R&R or the deficiencies in his
10 pleading. Dkt. 24.

11 The R&R is not clearly erroneous or contrary to law. It is ADOPTED and
12 Montgomery’s complaint is DISMISSED without prejudice.

13 The Clerk shall enter a JUDGMENT and close the case.

14 IT IS SO ORDERED.

15 Dated this 8th day of July, 2025.

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BENJAMIN H. SETTLE
United States District Judge